

EXHIBIT 5

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

RICHARD ROSARIO,

Plaintiff,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

18-cv-4023 (LGS)

DECLARATION OF AMELIA GREEN

I, AMELIA GREEN, an attorney admitted to practice in the State of New York and the Southern District of New York, submit this declaration under penalty of perjury:

1. I am a partner at the firm Neufeld Scheck & Brustin, LLP, (“NSB”) with offices at 99 Hudson Street, 8th Floor, New York, New York 10013.

2. I make this declaration in support of an application for attorneys’ fees pursuant to 42 U.S.C. § 1988, covering the hours I expended on this matter. I am fully familiar with the facts discussed herein.

EDUCATION AND EXPERIENCE

3. I graduated from Stanford Law School in 2015. While in law school I was Managing Editor of Submissions of the *Stanford Journal of Civil Rights and Civil Liberties* and I was recognized as a Public Interest Fellow. After my graduation, I clerked for the Honorable James A. Wynn, Jr. of the United States Court of Appeals for the Fourth Circuit. During the summer of 2014, I worked as a summer associate at NSB. Following my clerkship, I joined NSB as an associate in 2016, where I have worked ever since. I became a partner at NSB in 2021. My resume is attached as Exhibit A.

4. At NSB, I work almost exclusively on 42 U.S.C. § 1983 civil rights litigation in federal courts around the country. My practice focuses on wrongful conviction cases such as

Richard Rosario's, involving lawsuits against police, prosecutors and/or state officials for unconstitutional misconduct. This body of law, arising at the intersection of criminal procedure and civil rights, is relatively new and constantly evolving. To my knowledge, NSB is the only firm in the nation litigating these issues full time.

5. Generally, all these cases involve procedural defenses such as absolute and qualified immunity and require a nuanced understanding of the differences between what it takes to vacate a criminal conviction and the elements of civil liability. In addition, the cases typically involve the same sets of claims, including for fabrication of evidence, *Brady*, and malicious prosecution, and involve similarly flawed inculpatory evidence, including misidentifications caused by suggestive identification procedures. My focus on these issues at NSB, as well as access to NSB's collective knowledge derived from litigating these cases for over twenty years, made my work on this case much more efficient than it otherwise would have been.

6. While at NSB, I have represented plaintiffs in wrongful conviction cases in federal and state trial courts around the country, including in New York, Pennsylvania, California, North Carolina, Nevada, Maryland, Idaho, Michigan, and Missouri.

7. During my tenure at NSB, my work has contributed to many notable successes in wrongful conviction case for our clients. For example, I litigated *Howard v. City of Durham*, No. 1:17-cv-00477 (M.D.N.C.) from the complaint stage through jury verdict. A jury awarded plaintiff Darryl Howard \$6 million after he spent decades in prison for two murders he did not commit. I also represented exonerees in litigation leading to the two largest wrongful conviction settlements against the City of Philadelphia. See *Hollman v. City of Philadelphia* (\$9.8 million settlement for wrongfully convicted plaintiff that spent 28 years in prison for murder after being falsely implicated by a witness who had been coerced by police); *Wright v. City of Philadelphia*, No. 16-cv-5020 (E.D. Pa.) (\$9.85 million settlement for wrongfully convicted plaintiff that spent 25 years in prison for rape and murder before being exonerated by DNA evidence as a result of police fabricating confession). In light of my developed expertise regarding Philadelphia's police practices, I have been consulted on cases and by national media outlets to share my knowledge

regarding systemic misconduct in the Philadelphia Police Department.

8. Some of my other notable successes during my time litigating at NSB include *Berry v. Las Vegas Metro. Police Dep't*, 19-cv-640 (D. Nev.) (\$14.5 million settlement, largest wrongful conviction settlement in state history, for plaintiff who spent twenty-three years wrongfully incarcerated due to police use of improper identification procedures and fabrication of inculpatory statements); *Tapp v. City of Idaho Falls*, No. 4:20-cv-00476 (D. Idaho) (\$11.7 million settlement for wrongfully convicted plaintiff who served 20 years in prison for murder and was cleared by DNA evidence); *Fernandez v. City of New York*, No. 1:20-cv-10498 (S.D.N.Y.) (\$12 million settlement for plaintiff wrongfully convicted for over 24 years for a murder he did not commit based on a coerced witness's identification); *Denny v. City of New York*, Comptroller Claim Nos. 2018P1007300 and 2018P1007309 (\$9.75 million settlement for plaintiff who spent 24 years incarcerated for a robbery and rape that he did not commit following improper eyewitness identification); *Bryant v. Baltimore Police Department*, No. 1:19-cv-00384 (D. Md.) (\$8 million settlement for plaintiff who spent 17 years wrongfully incarcerated before DNA exoneration as a result of police's suppression of exculpatory evidence); *Connor v. City of New York*, No. 1:15-cv-07079 (E.D.N.Y.) (\$11 million combined settlement from the state and City for plaintiff wrongfully convicted for 16 years for kidnapping he did not commit, due to detectives' fabrication of evidence and coercion of an informant); *Hatchett v. City of New York*, No. 17-cv-1324 (E.D.N.Y.) (\$12.25 million settlement for plaintiff who spent 25 years wrongfully imprisoned for a Brooklyn murder due to NYPD's improper identification tactics); *Sanford v. City of Detroit*, No. 17-cv-13062 (E.D. Mich.) (\$7.5 million settlement for plaintiff who spent 8 years in prison for quadruple murder, resulting from police misconduct during his questioning of a 14-year-old boy).

9. I have been named a SuperLawyer "Rising Star" for the last three consecutive years, since 2020.

10. On behalf of Plaintiff, I am seeking compensation for my work at a rate of \$500 an hour. In my opinion, this requested rate is reasonable in light of the relevant market and my experience and skill.

WORK IN THIS CASE

11. I am seeking compensation, on behalf of Plaintiff, for the time I spent on this matter from February 2021 to August 2022.

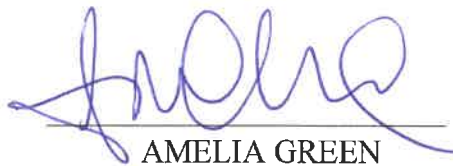
12. My primary role in this case was as a member of the trial team during the 2022 jury trial. I prepared and handled all psychiatric expert examinations at trial, including the preparation and direct examination of Plaintiff's damages expert as well as the cross-examination of Defendants' two damages experts. I also prepared for and handled the examination of a third-party witness to the crime. In addition, I assisted in the preparation of Mr. Rosario to testify at trial, assisted in trial briefing, and assisted in the overall legal and trial strategy throughout the trial.

13. As set forth in the billing records attached as Exhibit B, which come from contemporaneously kept timekeeping logs, I am seeking compensation for a total of 182.6 attorney hours in this matter.

14. I have reviewed the attached billing record in its entirety, and made an effort to take a conservative and reasonable approach to the total hours for which I seek compensation. In my judgment, each hour set forth in Exhibit B was necessitated by the circumstances and reasonably expended in pursuit of the ultimate favorable outcome in this complicated and important civil rights case.

15. I hereby declare under penalty of perjury that the foregoing is true.

Date: October 7, 2022
New York, NY



AMELIA GREEN

EXHIBIT A

Amelia B. Green

EDUCATION

Stanford Law School, *Juris Doctor*, June 2015

Activities: *Stanford Journal of Civil Rights and Civil Liberties*, Managing Editor of Submissions; Black Law Students Association, Academic Development Co-Chair; Housing Pro Bono; Shaking the Foundations Conference Programming Co-Chair

Honors: John Hart Ely Prizes for Outstanding Performance in Advanced Legal Research and Counterterrorism & the Law

Columbia University, B.A., *magna cum laude* in Political Science and Latin American Cultures, May 2010

EXPERIENCE

Neufeld Scheck & Brustin, LLP, New York, NY

September 2016 – Present

Partner (as of 2021)

Associate (2016– 2020)

Summer Associate (2014)

- Represent plaintiffs in 42 U.S.C. § 1983 civil rights actions for wrongful convictions and other serious police misconduct in state and federal court. Conduct jury and bench trials; take depositions; draft pleadings, briefs, and motions. Manage case team of lawyers and paralegals in conducting discovery.

The Honorable Judge James A. Wynn, Raleigh, NC

August 2015 – August 2016

United States Court of Appeals for the 4th Circuit

Law Clerk

- Wrote bench memoranda in preparation for appellate arguments. Analyzed legal issues in constitutional law, criminal law, and civil rights law. Drafted precedential opinions.

Stanford Community Law Clinic, Stanford, CA

Spring 2014

Student Attorney

- Represented indigent clients in administrative hearings and local court including by successfully defending a housing eviction action, successfully representing a client in prosecuting an employer for wage & hour violations, and litigating record expungement actions.

Bet Tzedek Legal Services, Los Angeles, CA

June 2013 – August 2013

Summer Clerk, Impact/Housing Litigation Unit

- Drafted demand letters and complaint and negotiated settlement to obtain relocation assistance and reimbursement for rents collected for illegal unit. Interviewed clients and assisted in investigation of housing code violations in preparation for litigation.

Goldman, Sachs & Co., New York, NY

July 2010 – July 2012

Legal Analyst, Legal Department

- Drafted and negotiated confidentiality agreements for the firm's Investment Securities Divisions' transactions. Assisted in management and maintenance of lending licenses, including completing regulatory filings.

BAR MEMBERSHIPS: Admitted in New York, S.D.N.Y.; E.D.N.Y., E.D. Mich.; U.S. Court of Appeals for the Fourth Circuit, Sixth Circuit

EXHIBIT B

SUBSTANTIVE HOURS

Date	Person	Client	Activity	Description	Duration	Time Totals
12-Feb-21	Amelia Green	Rosario (Richard)	Phone Call	W/ nick, katie H., anna, Talk to chris ritter and arif re: Jury consulting	0:30	0.5
25-Feb-21	Amelia Green	Rosario (Richard)	Meeting	W/ nick, anna, katie h. Talk to jury consultant re voir dire	1:00	1.0
10-May-22	Amelia Green	Rosario (Richard)	Meeting	Rosario trial prep meeting	1:00	1.0
25-May-22	Amelia Green	Rosario (Richard)	Phone Call	W/ nick, emma, katie h, gerardo, anna	0:18	0.3
14-Jun-22	Amelia Green	Rosario (Richard)	Meeting	opening statement feedback meeting	2:00	2.0
16-Jun-22	Amelia Green	Rosario (Richard)	Meeting	team meeting	0:30	0.5
6-Jul-22	Amelia Green	Rosario (Richard)	Meeting	nick/gerardo	0:20	0.3
8-Jul-22	Amelia Green	Rosario (Richard)	Prep	attended richard trial prep, including nick and gerardo	1:30	1.5
12-Jul-22	Amelia Green	Rosario (Richard)	Prep	attended portions of trial prep meeting w/ richard, including nick and gerardo	1:30	1.5
13-Jul-22	Amelia Green	Rosario (Richard)	Meeting	team zoom trial strategy meeting	1:30	1.5
13-Jul-22	Amelia Green	Rosario (Richard)	Phone Call	prep call w/ dr. agharkar, including Gerardo and Nick	0:30	0.5
14-Jul-22	Amelia Green	Rosario (Richard)	Prep	attended portion of trial prep session w/ Richard, Nick, Gerardo	1:30	1.5
15-Jul-22	Amelia Green	Rosario (Richard)	Meeting	meeting w/ Emma re trial strategy	0:18	0.3
15-Jul-22	Amelia Green	Rosario (Richard)	Phone Call	phone call w/ nick re trial strategy on psych experts	0:12	0.2
16-Jul-22	Amelia Green	Rosario (Richard)	Meeting	zoom trial prep session with Richard, including Nick and Gerardo, followed by check in with Nick and Gerardo	1:12	1.2
18-Jul-22	Amelia Green	Rosario (Richard)	Meeting	team meeting re trial strategy	1:00	1.0
18-Jul-22	Amelia Green	Rosario (Richard)	Phone Call	phone call w/ mr. street (court), including gerardo re courtroom and tech for trial, followed by meeting with NSB team to share what learned	0:54	0.9
19-Jul-22	Amelia Green	Rosario (Richard)	Court appearance	pretrial telephonic conference and team meeting immediately after	1:30	1.5
20-Jul-22	Amelia Green	Rosario (Richard)	Phone Call	call w/ Agharkar including Gerardo	0:12	0.2
23-Jul-22	Amelia Green	Rosario (Richard)	Review	review psych expert reports for trial prep	1:42	1.7
23-Jul-22	Amelia Green	Rosario (Richard)	Meeting	prep session w/ Agharkar including Nick and Gerardo and meetings w/ Nick and Gerardo before and after	1:30	1.5
24-Jul-22	Amelia Green	Rosario (Richard)	Prep	trial prep team meetings/ opening feedback	1:48	1.8
24-Jul-22	Amelia Green	Rosario (Richard)	Meeting	team meeting w/ jury consultant	2:00	2.0
25-Jul-22	Amelia Green	Rosario (Richard)	Court appearance	trial day - at courthouse/ in court	8:30	8.5
25-Jul-22	Amelia Green	Rosario (Richard)	Prep	trial prep meetings at office after day of trial	3:30	3.5

26-Jul-22	Amelia Green	Rosario (Richard)	Court appearance	trial day - at courthouse/ in court	8:18	8.3
27-Jul-22	Amelia Green	Rosario (Richard)	Prep	prep for torres trial direct - review and digesting past statements/ testimony	1:24	1.4
28-Jul-22	Amelia Green	Rosario (Richard)	Prep	prep for torres trial direct - review and digesting past statements/ testimony	7:12	7.2
30-Jul-22	Amelia Green	Rosario (Richard)	Prep	doc review and outlining for agharkar exam	2:36	2.6
30-Jul-22	Amelia Green	Rosario (Richard)	Meeting	zoom prep meeting w/ dr. agharkar	1:30	1.5
31-Jul-22	Amelia Green	Rosario (Richard)	Prep	meeting w/ nicole torres	1:00	1.0
31-Jul-22	Amelia Green	Rosario (Richard)	Prep	prep and outlining for nicole torres exam	7:36	7.6
1-Aug-22	Amelia Green	Rosario (Richard)	Court appearance	in courthouse and court appearance at trial, including before and during trial day	9:00	9.0
1-Aug-22	Amelia Green	Rosario (Richard)	Prep	prep and outlining for nicole torres exam	1:30	1.5
1-Aug-22	Amelia Green	Rosario (Richard)	Meeting	meeting w/ richard after trial day	0:48	0.8
2-Aug-22	Amelia Green	Rosario (Richard)	Court appearance	in courthouse and court appearance at trial, including before and during trial day	8:30	8.5
3-Aug-22	Amelia Green	Rosario (Richard)	Court appearance	in courthouse and court appearance at trial, including before and during trial day	9:12	9.2
4-Aug-22	Amelia Green	Rosario (Richard)	Court appearance	in courthouse and court appearance at trial, including before and during trial day	9:30	9.5
5-Aug-22	Amelia Green	Rosario (Richard)	Deposition	defending agharkar deposition	1:06	1.1
5-Aug-22	Amelia Green	Rosario (Richard)	Review	review/ edit digest of parker past testimony for direct exam	2:36	2.6
5-Aug-22	Amelia Green	Rosario (Richard)	Review	prep call w/ agharkar	1:18	1.3
5-Aug-22	Amelia Green	Rosario (Richard)	Prep	doc review and prep for agharkar direct examination	4:48	4.8
5-Aug-22	Amelia Green	Rosario (Richard)	Prep	trial prep - strategy meetings w/ team, trial briefing edits	3:12	3.2
6-Aug-22	Amelia Green	Rosario (Richard)	Draft	edits on bad acts briefing	1:12	1.2
6-Aug-22	Amelia Green	Rosario (Richard)	Prep	trial prep - strategy meetings w/ team, trial briefing edits	3:12	3.2
6-Aug-22	Amelia Green	Rosario (Richard)	Prep	prep for trial direct exams and crosses of agharkar, fayer, parker	4:18	4.3
6-Aug-22	Amelia Green	Rosario (Richard)	Phone Call	prep call w/ agharkar	0:30	0.5
7-Aug-22	Amelia Green	Rosario (Richard)	Prep	doc review and prep for agharkar, fayer, parker exams	11:06	11.1
8-Aug-22	Amelia Green	Rosario (Richard)	Court appearance	in court for trial day	8:42	8.7
8-Aug-22	Amelia Green	Rosario (Richard)	Prep	agharkar direct prep before court	1:48	1.8
8-Aug-22	Amelia Green	Rosario (Richard)	Prep	doc review and prep after court for parker and fayer exams	4:18	4.3
9-Aug-22	Amelia Green	Rosario (Richard)	Court appearance	in court for trial day	8:30	8.5
9-Aug-22	Amelia Green	Rosario (Richard)	Prep	trial prep before court for parker and fayer exams	3:18	3.3

9-Aug-22	Amelia Green	Rosario (Richard)	Prep	trial prep and meetings after court--meetings and edits on closing & powerpoint	5:12	5.2
10-Aug-22	Amelia Green	Rosario (Richard)	Court appearance	in court for closings and awaiting jury verdict	5:30	5.5
11-Aug-22	Amelia Green	Rosario (Richard)	Court appearance	in court for arguments, responding to juror notesawaiting jury verdict	7:30	7.5

Total	182.6
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